

The below described is **SIGNED**.

Dated: January 15, 2009

William J. Thurman

WILLIAM T. THURMAN
U.S. Bankruptcy Judge



LAURIE A. CAYTON, Trial Attorney (#4557)
Office of the United States Trustee
405 So. Main Street, Suite 300
Ken Garff Building
Salt Lake City, Utah 84111
Telephone: (801) 524-3031
Facsimile: (801) 524-5628
laurie.cayton@usdoj.gov

Attorney for Charles F. McVay, United States Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

In re:

JOSEPH MARCUS JESSOP and
JAMIE LYN JESSOP,

Debtors.

Bankruptcy Case No. 08-26155 WTT

(Electronically Filed)

(Chapter 7)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND REPORT AND RECOMMENDATION TO THE DISTRICT COURT**

A hearing on the United States Trustee's Motion to Dismiss Case or, in the Alternative, to Transfer Venue pursuant to 28 U.S.C. §1412 and Federal Rule of Bankruptcy Procedure 1014, came before this Court, with the Honorable William T. Thurman presiding, on November 26, 2008 at 10:30 a.m., the United States Trustee appearing through his attorney, Laurie A. Cayton,

and the Debtors appearing through their attorney, Rick D. Bonewell, due notice of the hearing having been given and the only objection on file being that of the Debtors to dismissal of their case. The Court makes the following **Findings of Fact and Conclusions of Law**:

1. The Debtors filed their voluntary petition on September 15, 2008 in the District of Utah under Case Number 08-26155 WTT.
2. At the time of the filing of the petition, the Debtors were residents of Fredonia, Arizona.
3. The Debtors moved to Fredonia, Arizona in December of 2007, ten months prior to filing for bankruptcy relief.
4. The Debtors were residents of the State of Arizona for the majority of the 180 days prior to filing their bankruptcy petition.
5. The Debtors' principal assets are located in Arizona.
6. Pursuant to 28 U.S.C. §1408, venue does not arise in the United States Bankruptcy Court for the District of Utah and the Court has no discretion to retain this bankruptcy case in the District of Utah.
7. Pursuant to Bankruptcy Rule 1014(a)(2), if a petition is filed in an improper district, the court, on the timely motion of a party in interest, and after notice to the petitioners, may dismiss the case or transfer it to the district in which the court would have jurisdiction.

Based upon the foregoing Findings of Fact and Conclusions of Law, and in consideration of the interest of justice and the convenience of the parties, the Court provides the following

Report and Recommendation to the District Court:

1. The voluntary petition filed by the Debtors on September 15, 2008 in the District of Utah under Case Number 08-26155 WTT, was filed in an improper district.

2. At the time of the filing of the petition, the Debtors were residents of Fredonia, Arizona.

3. The Debtors were residents of the State of Arizona for the majority of the 180 days prior to filing their bankruptcy petition and the Debtors' principal assets are located in Arizona.

4. The United States Bankruptcy Court for the District of Utah is an improper venue for the filing of the petition and the Court has no discretion to retain Bankruptcy Case Number 08-26155 WTT.

5. A timely motion by the United States Trustee was brought to dismiss or transfer venue and was properly noticed to the petitioners and other parties in interest.

6. The United States Bankruptcy Court recommends to the District Court that this case not be dismissed but rather that the District Court enter an order transferring venue of Case Number 08-26155 WTT to the District of Arizona in the interest of justice and for the convenience of the parties.

END OF DOCUMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW AND REPORT AND RECOMMENDATION TO THE DISTRICT COURT was mailed, first class, in the United States mail on this _____ day of January, 2009, to all parties noted below:

Joseph and Jamie Jessop
P.O. Box 388
Fredonia, AZ 86022

Rick D. Bonewell, Esq.
Bonewell Morris & Assoc.
1071 East 100 South, Suite D4
St. George, UT 84770

David C. West, Esq.
321 North Mall Drive
Suite 0-202
St. George, UT 84790

Laurie A. Cayton, Esq.
Office of the U.S. Trustee
405 So. Main Street, Suite 300
Ken Garff Building
Salt Lake City, UT 84111

ORDER SIGNED
